



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LITTLETON SUPPORT STAFF/NEA-NEW	:	
HAMPSHIRE	:	
	:	
Petitioner	:	CASE NO. T-0332:2
	:	
v.	:	DECISION NO. 91-01
	:	
LITTLETON SCHOOL DISTRICT	:	
	:	
Respondent	:	

APPEARANCES

Representing Littleton Support Staff/NEA-NH:

John Fessenden, UniServ Director NEA

Representing Littleton School District:

James L. Burke, Esq., Counsel

Also appearing:

Timothy E. Woodward, Superintendent
Tammi Smith, Littleton Support Staff
Laura Morin, Littleton Support Staff
Hugh Watson, N.H.S.B.A.

BACKGROUND

On June 13, 1990 the Littleton Support Staff/NEA-New Hampshire a certified bargaining unit in the Littleton School District petitioned the PELRB for modification of the existing unit to include seven (7) clerical workers and secretaries of the SAU which is located in the Town of Littleton.

On June 28, 1990 the Littleton School District by Counsel, James L. Burke, Esq., objected to the proposed modification stating that the unit had not changed as required by Pub 302.05 (a) and further that said petition did not set forth any circumstances prompting the petition and further that the present bargaining unit remains in effect until modified only by agreement of both parties and further that the SAU employees are not supervised and not paid by the Littleton School Board and further the community of interest is not compatible with the certified unit.

Hearing in this matter was held on September 13, 1990 at the PELRB office in Concord, New Hampshire.

John Fessenden, UniServ Director of NEA-NH testified as to the desire of the Support Staff unit to include the positions and further that the Littleton School District paid 46% of the funds to support the SAU offer.

Counsel for the School District argued that the petition was untimely as nothing had changed in the current bargaining unit of the Littleton School District.

Witness testified as to their duties in the SAU positions, source of funding for their salary payment, supervision of the positions is only by the SAU Superintendent and not the Littleton School Board the differential in benefits in the various school districts within the SAU, the issuance of yearly contracts by the SAU, the evaluation of individuals periodically by the SAU Superintendent, the hiring and firing responsibility and the difference between members of the Support Staff unit and the SAU employers proposed to be included in the unit.

The representative of the Support Staff unit in closing argued that the only unit there individuals could join would be the Littleton Support Staff as their members would not qualify them for a separate unit they work in the Town of Littleton and in a building owned by the Littleton School District.

The participation of the School District within the SAU and the percentage of such participations financially was offered in evidence only to show that Littleton's participation was greater than all others as reasoning for their inclusion.

FINDINGS OF FACT

After considering all oral testimony and exhibits offered, the PELRB makes the following findings and substitutes them for the parties requests:

1. The clerical workers and secretaries in the petition are employees of the SAU and are not employees of the Littleton School District.
2. The hiring, firing and evaluations of the petitioned employees rests with the Superintendent of the SAU and not the Littleton School Board.
3. The petitioned employees are given contracts (letters of agreement) for annual employment by the SAU school board and its Superintendent.
4. The Community of interest of the petitioned employees and the present certified staff was not clearly supported at the hearing, at best it can be termed marginal only because they are employed in the same town and in offices located in the Littleton District owned buildings.
5. While petitioned employees perform tasks similar to those in the bargaining unit and are governed and employed by a separate SAU Board and not the Littleton School Board and cannot be considered to have the same employer.

6. A separate policy, evaluation and procedure manual covers the SAU staff.
7. The modification of the unit can be the subject of negotiations by the parties.

ORDER

The petition for modification of the existing Littleton School District Support Staff bargaining unit to include the secretaries and clerical positions of the SAU is hereby DENIED.

Signed this 25th day of January, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting. Also present, Executive Director, Evelyn C. LeBrun.